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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

7 DAVID AH SUE JR.,)
8 Plaintiff,) Civil No. C19-5093 RSM
9 vs.) ORDER
10 COMMISSIONER OF SOCIAL SECURITY,)
11 Defendant)
12)

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14 This matter comes before the Court on the parties' stipulated motion for attorney's fees
15 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

16 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in
17 §2412(d)(1)(B), from the entry of final judgment on August 30, 2019 to file a timely EAJA
18 application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S.
19 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the
20 record, the Court determines that Plaintiff is the prevailing party, the government's position was
21 not substantially justified, and that the itemization of attorney time spent is reasonable. In short,
22 the requirements of § 2412(d)(1)(B) are met.

23 Having thoroughly considered the parties' briefing and the relevant record, the Court
24 hereby GRANTS the motion and awards Plaintiff \$4,636.8 in attorney's fees and \$400.00 for the
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1 filing fee subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*,
2 560 U.S. 586, 589 – 590 (2010). If EAJA fees and costs are not subject to any offset, payment of
3 this award shall be made via check sent to Attorney David Oliver’s address: David Oliver &
4 Associates, 2608 South 47th Street, Suite C, Tacoma, WA 98409.

5 For the foregoing reasons, Plaintiff’s stipulated motion for attorney fees is GRANTED;

6 DATED this 20th day of November 2019.

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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE
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13 Presented by:

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15 S/David P. OLIVER
16 David P. Oliver,
17 Attorney for Plaintiff
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